

Amendment No. 1 to HB1643

Curcio  
Signature of Sponsor

**AMEND Senate Bill No. 1747**

**House Bill No. 1643\***

by deleting all language after the caption and substituting instead the following:

WHEREAS, in 2015, the members of the One Hundred Ninth General Assembly passed the Tennessee Animal Abuser Registration Act, which became Public Chapter 413; and

WHEREAS, the act requires offenders convicted of aggravated cruelty to animals, felony animal fighting, or sexual activity with an animal to be entered on a public animal abuser registry in an effort to prevent future animal abuse by those offenders; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-203(c)(1), is amended by adding the following language to the end of the subdivision:

Notwithstanding § 40-35-111, in addition to any other penalty imposed, the court shall prohibit the defendant from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this subdivision (c)(1) from having custody of any companion animal for the person's lifetime.

SECTION 2. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (e) and substituting instead the following:

(e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40-35-111, the court shall prohibit the defendant

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from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.

SECTION 3. Tennessee Code Annotated, Section 39-14-214(c), is amended by deleting the subsection and substituting instead the following:

(c) In addition to the penalty imposed in subsection (b):

(1) The court may order that the convicted person do any of the following:

(A) Not harbor or own animals or reside in any household where animals are present;

(B) Participate in appropriate counseling at the defendant's expense; or

(C) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a); and

(2) Notwithstanding § 40-35-111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may

impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.